

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GUILLERMO TRUJILLO CRUZ,

Plaintiff,

v.

THOMPSON, et al.,

Defendants.

Case No. [23-cv-05759-HSG](#)

**ORDER DENYING REQUESTS FOR
“OPENING BRIEF TIME SCHEDULE
ORDERS” AND NOTICE OF APPEAL;
GRANTING REQUEST FOR NINTH
CIRCUIT INSTRUCTION PACKET**

Re: Dkt. Nos. 21, 22

Plaintiff filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On August 2, 2024, the Court denied Plaintiff’s requests to proceed *in forma pauperis* pursuant to the three-strikes provision set forth in 28 U.S.C. § 1915. Dkt. No. 15. On October 4, 2024, the Court dismissed this action without prejudice for failure to pay the filing fee in full, and entered judgment in favor of Defendants. Dkt. Nos. 19, 20. Plaintiff has filed requests asking the Court to send him “two opening brief time schedule orders,” Dkt. No. 21, and “an order to file a notice appeal under Rule 3(d)” and the 9th Circuit pamphlet for appeal, Dkt. No. 22.

The Court construes Dkt. No. 21 as requesting the appellate court briefing schedule. Dkt. No. 21. The Court DENIES this request because there is currently no briefing schedule and because it would be the Ninth Circuit, not this Court, that would issue the briefing schedule.

The Court construes Dkt. No. 22 as requesting the notice of appeal form and the Ninth Circuit’s instruction packet. Dkt. No. 22. The request for a notice of appeal form is DENIED as moot because Plaintiff has filed his notice of appeal. Dkt. Nos. 23, 24. The Court GRANTS the request for the Ninth Circuit’s instruction packet and has sent it to Plaintiff under separate cover.


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This order terminates Dkt. Nos. 21, 22. This case remains closed.

IT IS SO ORDERED.

Dated: 11/7/2024


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California